

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Christopher J. Nagel
Application No: 10/823,404 Group No: 1796
Filed: April 13, 2004 Examiner: Mark T. Kopec
Confirmation No.: 3242
Title: Composition of Matter Tailoring: System I

REPLY

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply is in response to the Office Communication mailed from the U.S. Patent and Trademark Office on September 17, 2008 in the above-identified application. A new Power of Attorney with associated Statement under 3.73(b) and a terminal disclaimer are being submitted.

This paper is filed in reply to the Office Communication dated September 17, 2008, in which the Terminal Disclaimer filed on July 3, 2008 was not approved.

The Examiner has further rejected Claims 50-54 as being anticipated by several references describing a copper composition containing a magnetic amount of iron. The intent is not to claim copper which contains magnetic iron. The intent of the claims is to claim *copper* that has magnetic properties. There is no dispute that the magnetic properties described in the references are due to the iron. The issue is whether the claims, as drafted, and when read by the person of ordinary skill in the art, present meaningful limitations. With regard to the limitations which refer to measuring devices and relative similarities or differences between materials assessed, it is noted that all measuring